

TWENTY-SEVENTH DAY

(Tuesday, February 27, 1979)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Vale, Williams.

Absent-excused: McKnight, Truan.

A quorum was announced present.

The Reverend Doug Barber, Calvary Baptist Church, Duncanville, Texas, offered the invocation as follows:

Let's bow our heads in prayer. Our Gracious Heavenly Father, on this occasion we're thankful once again for the sovereignty of God. We're thankful, Father, today, for this great nation and its wonderful history that we enjoy. We're thankful for the privilege of freedom and liberty, to be Americans and to be Texans and to serve God in the greatest nation in all the world. Our Father, today, as we've come together here in this place, we beseech Thee for Thy presence, for Thy wisdom and for Thy blessing upon these servants of Thine. Father, I thank You for these men who have dedicated their talents, their energies, their abilities to the cause of freedom and to the cause of our great state. I would ask You today to bless them, lead them by Thy Holy Spirit. We pray these things in the name of Jesus Christ, our Lord and Saviour. Amen.

On motion of Senator Moore and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Truan was granted leave of absence for today on account of illness on motion of Senator Doggett.

Senator McKnight was granted leave of absence for today on account of important business on motion of Senator Snelson.

REPORT OF STANDING COMMITTEE

Senator Moore submitted the following report for the Committee on State Affairs:

S.B. 508

S.C.R. 27

S.B. 389

S.B. 623

MESSAGE FROM THE HOUSE

House Chamber
February 27, 1979

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I AM DIRECTED BY THE HOUSE TO INFORM THE SENATE THAT
THE HOUSE HAS PASSED THE FOLLOWING:

H.C.R. 55 inviting the Reverend Jesse Jackson to address a joint session of
the House and the Senate

H.C.R. 73 in memory of Dr. Olin B. Gober of Temple

S.C.R. 28 memorializing the President and Congress to launch an all-out
energy production and conservation effort

HB 455, A bill to be entitled An Act relating to the requirement that school
bus drivers give bond.

HB 548, A bill to be entitled An Act relating to health services for persons
with cystic fibrosis.

HB 588, A bill to be entitled An Act relating to eligibility for and conditions
of misdemeanor probation.

S.B. 317 Relating to the authority of the Texas Department of Mental
Health and Mental Retardation to transfer funds appropriated for utility
expenses.

The House has adopted the Conference Committee Report on Sen Bill No.
140 by a vote of 142 ayes, 1 noes.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

BILL AND RESOLUTION SIGNED

The President announced the signing in the presence of the Senate after the
caption had been read the following enrolled bill and resolution:

S.B. 87
H.C.R. 68

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and
referred to the Committee indicated:

S.B. 677 by Schwartz Natural Resources
Relating to fisheries management; amending Chapter 79, the Parks and Wildlife Code to add a new Subchapter B creating a Fisheries Management Council to hold hearings and make recommendations to the Parks and Wildlife Commission; and providing a method for development of a fisheries management program by the Parks and Wildlife Commission based on such recommendations.

S.B. 678 by Ogg State Affairs
Amending Chapter 3, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 717k-2, Vernon's Texas Civil Statutes), by making it applicable to certain non-profit corporations and by adding certain clarifying language; and declaring an emergency.

S.B. 679 by Ogg State Affairs
Authorizing the State of Texas and its agencies to enter into lease contracts; providing for payment of interest on such contracts; making other provisions in the premises; and providing for severability.

S.B. 680 by Ogg State Affairs
Relating to the acquisition of property by the state and by political subdivisions.

S.B. 681 by Brooks, Doggett Natural Resources
Relating to expiration, revenue, and bonding authority of the Battleship Texas Commission.

S.B. 682 by Moore State Affairs
Relating to filing certain documents with the secretary of state.

S.B. 683 by Jones of Harris Intergovernmental Relations
Relating to the use of the county law library fund.

S.B. 684 by Clower Intergovernmental Relations
Relating to heart and lung disease death or disability benefits for certain firemen.

S.B. 685 by Short State Affairs
Relating to sanctions for alcoholic beverage licensees and permittees convicted of offenses under antidiscrimination or civil rights laws or ordinances.

S.B. 686 by Short Education
Relating to a student recreation fee at Texas Tech University.

S.B. 687 by Mengden Economic Development
Relating to exemptions under the Private Investigators and Private Security Agencies Act.

S.B. 688 by Mengden Economic Development
Relating to inspection of electrical equipment and regulation of electrical inspectors; providing a penalty.

S.B. 689 by Clower Education
Relating to the right, power, and authority of the Coordinating Board, Texas College and University System, to contract with existing Dallas-Fort Worth area private law schools to provide for the education of certain law students; and declaring an emergency.

S.B. 690 by Clower State Affairs
Relating to mailout of voter registration applications by voter registrar to postal patrons.

S.B. 691 by Parker Intergovernmental Relations
Relating to creation of the 285th Judicial District, composed of Jefferson County.

S.B. 692 by Creighton Education
Authorizing the Board of Regents of The Texas A&M University System to levy certain limited student fees for the purpose of operating, maintaining, improving, and equipping the Tarleton State University Student Center and acquiring or constructing additions to said Center, regulating the collection and control of the fees; limiting the activities of the Student Center Complex; and declaring an emergency.

S.B. 693 by Mengden Economic Development
Relating to notice to an insured of payment by an insurer of a vehicle accident claim.

S.B. 694 by Mauzy Education
Relating to the qualifications of certain paraprofessional school personnel.

S.B. 695 by Mauzy Education
Relating to guaranteed student loans.

S.B. 696 by Mauzy Jurisprudence
Relating to a system of four-year appointment of retired and former district judges to serve on the district courts.

S.B. 697 by Mengden State Affairs
Relating to discrimination in employment because of sex.

S.B. 698 by Mengden Education
Relating to the appointment of members to the State Textbook Committee.

S.B. 699 by Mengden Education
Relating to the admission of foreign students to public institutions of higher education; adding Section 51.908 to Chapter 51 of the Texas Education Code.

S.B. 700 by Mengden Education
Relating to school board employment consultations with teachers.

S.B. 701 by Mengden Education
Relating to revising the Foundation School Program; and amending Chapter 16, Texas Education Code, as amended.

S.B. 702 by Mengden Education
Relating to student services fees and building use fees at state-supported institutions of higher education; amending Subsection (b), Section 54.503, Texas Education Code, as amended, and repealing Subsection (f); amending Section 55.16, Texas Education Code, as amended.

S.B. 703 by Doggett Jurisprudence
Relating to access to public and personal information.

S.C.R. 32 by Schwartz, Clower Natural Resources
Providing for the operation of the Seafood Marketing Program through interagency contract with Texas A&M University and for a survey of various areas of seafood marketing in Texas.

S.C.R. 33 by Mauzy Education
Expressing appreciation to the Texas Congress of Parents and Teachers for the service rendered in behalf of the children of this state; designating March 15, 1979, as PTA Day at the Legislature.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 396, To Committee on Intergovernmental Relations.

H.B. 511, To Committee on Intergovernmental Relations.

H.B. 648, To Committee on Jurisprudence.

PRESENTATION OF GUEST

The President presented to the Members of the Senate Mr. Abelardo Lopez Valdez, Assistant Administrator for Latin America and the Caribbean Agency for International Development.

Mr. Valdez addressed the Senate.

SENATE BILL 216 WITH HOUSE AMENDMENT

Senator Longoria called **S.B. 216** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment No. 1 - Jones - Whitmire

Amend **S.B. 216**, line 9, after the word "or" by adding the following language:

"with the consent of the defendant."

The amendment was read.

Senator Longoria moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: McKnight, Truan.

SENATE BILL 482 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 482, Relating to regulation of barbers.

The bill was read second time.

Senator Doggett offered the following amendment to the bill:

Amend **S.B. 482** by Harris by adding the following SECTION 3 and renumbering the remaining SECTIONS accordingly:

SECTION 3. Chapter 65, Acts of the Forty-first Legislature, First Called Session, 1929, as amended (Article 8407a, Vernon's Texas Civil Statutes), is amended by adding Sections 31 and 32 to read as follows:

"Sec. 31. COMPLAINTS. (a) the barber board shall keep an information file about each complaint filed with the board relating to licensees under this Act.

"(b) If a written complaint is filed with the barber board relating to a licensee under this Act, the board, at least as frequently as quarterly, shall notify the complainant of the status of the complaint until the complaint is finally resolved.

"Sec. 32. CONFLICT OF INTEREST. (a) An employee of the barber board whose duties include the administration of the board's functions under this Act may not:

(1) have, other than as a consumer, a financial interest in barbering;

(2) be an officer, employee, or paid consultant of a trade association in the barbering industry; or

(3) be related within the second degree by affinity or within the second degree by consanguinity to a person who is an officer, employee, or paid consultant of a trade association in the barbering industry.

"(b) A member of the barber board may not be:

(1) an officer, employee, or paid consultant of a trade association in the barbering industry;

(2) related within the second degree by affinity or within the second degree by consanguinity to a person who is an officer, employee, or paid consultant of a trade association in the barbering industry;

"(c) An employee who violates this section is subject to dismissal. A board member who violates this section is subject to removal."

The amendment was read and was adopted.

Senator Doggett offered the following amendment to the bill:

Amend **S.B. 482** by Harris by adding the following SECTION 4 and renumbering the remaining SECTIONS accordingly:

SECTION 4. Section 11, Chapter 65, Acts of the Forty-first Legislature, First Called Session, 1929, as amended (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Sec. 11. (a) The board shall conduct examination of applicants for certificates of registration to practice as Class A registered barbers and of applicants to enter barber schools to determine their educational fitness, not less than four times each year, at such times and places as the board may determine and designate. The examination of applicants for certificates of registration as Class A registered barbers shall include both a practical demonstration and a written and oral test, and shall embrace the subjects usually taught in schools of barbering approved by the Board.

“(b) No examination shall be held at a barber school, college or shop owned, managed or operated by a member of the Barber Board.”

The amendment was read and was adopted.

Senator Doggett offered the following amendment to the bill:

Amend **S.B. 482** by Harris by striking SECTION 2 in its entirety and substituting the following:

SECTION 2. Sections 26 and 26a, Chapter 65, Acts of the Forty-first Legislature, First Called Session, 1929, as amended (Article 8407a, Vernon's Texas Civil Statutes), are amended to read as follows:

“Section 26 (a) The State Board of Barber Examiners is hereby created and shall consist of six members appointed by the governor with the advice and consent of the senate. The board shall be composed of the following: one [two] member [s] shall be a Class A barber[s] actually and actively engaged in the practice of barbering for at least five years prior to being appointed and while serving as a member of the board and who is [are] not a holder[s] of a barber shop permit issued by the board; two members shall be barber shop owners holding a permit issued by the board and who are actively and actually engaged in the practice of barbering for at least five years prior to being appointed and while serving as a member of the board; two members shall be persons holding a permit from the board to conduct or operate a barber school or college; and one member shall be a representative of the general public who is not regulated under this Act and who does not have, other than as a consumer any financial interests in barbering [; provided, however, that the three members of the board serving at the time this Act takes effect shall continue to serve for the terms of office to which they were appointed. Within 30 days after the effective date of this Act the governor shall appoint three additional members and at the time of the appointment designate one appointee to serve for the same remaining period of time in office as each of the three members then serving so that hereafter the] The terms of office shall be for six years with terms for two of the six board members expiring at the same time every two years [; and so as to at all times have on the board two working barbers, two shop owners working barbers, and two school owners as hereinabove provided]. All members appointed by the governor to fill vacancies in the board caused by death, resignation, or removal shall serve during the unexpired term of such member's predecessor. Before entering upon the duties of office, each member of the board shall take the constitutional oath of office and file it with the secretary of state. Members of the board may be removed from office for cause in the manner provided by the statutes of this state for public officials who are not subject to impeachment. In case of death, resignation, or removal, the vacancy of the unexpired term shall be filled by the governor in the same manner as other appointments.

“(b) A person holding office as a member of the State Board of Barber Examiners on the effective date of this Act continues to hold the office for the term for which the member was originally appointed.

“(c) The governor shall appoint a barber school owner and a public member to fill the offices of the incumbent members whose terms expire on May 19, 1981. The governor shall appoint a barber shop owner and a barber school owner to fill the offices of the incumbent members whose terms expire on May 19, 1983. The governor shall appoint a Class A barber and a barber shop owner to fill the offices of the incumbent members whose terms expire on May 19, 1985.

“(d) The terms of office for the appointees who fill the offices of incumbent members whose terms expire May 19, 1981, May 19, 1983, and May 19, 1985, shall expire on January 31, 1987, January 31, 1989, and January 31, 1991, respectively.

“Section 26a. The State Board of Barber Examiners is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1991 [1979].”

The amendment was read and was adopted.

On motion of Senator Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 482 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 482** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: McKnight, Truan.

The bill was read third time and was passed.

SENATE BILL 114 ON SECOND READING

Senator Mengden asked unanimous consent to suspend the regular order of business and Section 5 of Article III of the State Constitution to take up for consideration at this time:

S.B. 114, Relating to the creation, organization, powers, duties, and financing of certain public utility agencies.

There was objection.

Senator Mengden then moved to suspend the regular order of business and Section 5 of Article III of the State Constitution and take up **S.B. 114** for consideration at this time.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Yeas: Andujar, Blake, Braecklein, Brooks, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Vale, Williams.

Nays: Clower.

Absent-excused: McKnight, Truan.

The bill was read second time and was passed to engrossment.

SENATE BILL 114 ON THIRD READING

Senator Mengden moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 114** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1. (Same as previous roll call)

The bill was read third time and was passed.

**MOTION TO PLACE SENATE BILL 142
ON SECOND READING**

Senator Ogg asked unanimous consent to suspend the regular order of business and Section 5 of Article III of the State Constitution to take up for consideration at this time:

S.B. 142, Relating to the disposition of assets of a corporation, derivative suits, and certain corporate mergers.

On motion of Senator Ogg and by unanimous consent, the motion to suspend the regular order of business and Constitutional Rule in order to consider **S.B. 142** was withdrawn.

**MOTION TO PLACE COMMITTEE SUBSTITUTE
SENATE BILL 219 ON SECOND READING**

Senator Parker moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **C.S.S.B. 219** be taken up for consideration at this time:

C.S.S.B. 219, Relating to credit property insurance and credit casualty insurance.

The motion was lost by the following vote (Not receiving four-fifths vote of the Members of the Senate): Yeas 17, Nays 12.

Yeas: Andujar, Brooks, Creighton, Farabee, Harris, Howard, Jones of Taylor, Kothmann, Meier, Mengden, Moore, Ogg, Parker, Price, Santiesteban, Traeger, Williams.

Nays: Blake, Braecklein, Clower, Doggett, Jones of Harris, Longoria, Mauzy, Patman, Schwartz, Short, Snelson, Vale.

Absent-excused: McKnight, Truan.

MESSAGE FROM THE HOUSE

House Chamber
February 27, 1979

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I AM DIRECTED BY THE HOUSE TO INFORM THE SENATE THAT THE HOUSE HAS PASSED THE FOLLOWING:

HB 158, A bill to be entitled An Act relating to the establishment in certain counties of auxiliary courts outside the county seat for nonjury proceedings; amending Section 1, Chapter 465, Acts of the 65th Legislature, Regular Session, 1977 (Article 2370b-2, Vernon's Texas Civil Statutes).

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 295 ON SECOND READING

On motion of Senator Doggett and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 295, Relating to allowing certain cities to establish a separate retirement system for police department employees.

The bill was read second time.

Senator Doggett offered the following committee amendment to the bill:

Amend S.B. No. 295 by striking Section 2 of the bill and substituting the following:

SECTION 2. This Act does not apply to a city governed by:

- (1) Chapter 4, Acts of the 43rd Legislature, 1st Called Session, 1933, as amended (Article 6243a, Vernon's Texas Civil Statutes);
- (2) Chapter 101, Acts of the 43rd Legislature, 1st Called Session, 1933, as amended (Article 6243b, Vernon's Texas Civil Statutes);
- (3) Chapter 105, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6243f, Vernon's Texas Civil Statutes);
- (4) Chapter 76, Acts of the 50th Legislature, 1947, as amended (Article 6243g-1, Vernon's Texas Civil Statutes); or
- (5) Chapter 75, Acts of the 50th Legislature, 1947, as amended (Article 6243h, Vernon's Texas Civil Statutes).

The committee amendment was read and was adopted.

On motion of Senator Doggett and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 295 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 295** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: McKnight, Truan.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: McKnight, Truan.

SENATE BILL 540 ON SECOND READING

On motion of Senator Santiesteban and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 540, Relating to photographing children in connection with the investigation of criminal offenses; amending Subsection (b) and Subsection (g) and adding Subsection (h) to Section 51.15, Family Code; and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 540 ON THIRD READING

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 540** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: McKnight, Truan.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: McKnight, Truan.

SENATE BILL 541 ON SECOND READING

On motion of Senator Santiesteban and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 541, Relating to the grounds for the detention of a child taken into custody under Title 3, Family Code; amending Subsection (b) of Section 53.02 and Subsection (e) of Section 54.01, Family Code; and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 541 ON THIRD READING

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 541** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: McKnight, Truan.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: McKnight, Truan.

SENATE BILL 358 ON SECOND READING

On motion of Senator Mauzy and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 358, Relating to purchase of credit in the Teacher Retirement System of Texas for certain service.

The bill was read second time.

Senator Mauzy offered the following committee amendment to the bill:

Amend S.B. No. 358, page 1, line 15, by striking "Graduate School of Biomedical Sciences" and substituting "Health Science Center."

The amendment was read and was adopted.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 358 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 358** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: McKnight, Truan.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: McKnight, Truan.

SENATE BILL 373 ON SECOND READING

On motion of Senator Schwartz and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 373, Authorizing certain law enforcement officials to order the diverting or cutting of telephone lines in certain cases involving hostages.

The bill was read second time and was passed to engrossment.

SENATE BILL 373 ON THIRD READING

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 373** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: McKnight, Truan.

The bill was read third time and was passed.

SENATE BILL 116 WITH HOUSE AMENDMENT

Senator Meier called **S.B. 116** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment No. 1 - Maloney

Amend SB 116 on page 1, line 22, by striking the word "alleged".

The amendment was read.

Senator Meier moved that the Senate do not concur in the House amendment, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **S.B. 116** before appointment.

There were no motions offered.

MEMORIAL RESOLUTION

H.C.R. 73 - (Patman): Memorial resolution for Dr. Olin B. Gober.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.C.R. 34 - By Andujar: Extending congratulations to John V. McMillan.

S.R. 162 - By Blake: Extending congratulations to The Stephen F. Austin State University Ladyjacks basketball team.

S.R. 163 - By Clower: Extending welcome to Reverend Doug Barber.

S.R. 164 - By Clower: Extending congratulations to Jim and Paul Barber.